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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,179	06/29/2001	Lin Yu	9209-7	9539
20792	7590	03/24/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2171	
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/896,179	YU, LIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan Y Chen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 December 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)                  4)  Interview Summary (PTO-413)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                  Paper No(s)/Mail Date. \_\_\_\_\_  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 4.                  5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_

***Response to Amendment***

1. This office action is in response to amendment filed on 12/22/2003.
2. Claims 1-42 are pending for examination, claims 2-7, 10-13, 15-16, 17-20, 23-27, 29-34, and 36, 38-42 have been amended.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-42, are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Cheng at al. (U.S. Patent No. 5,204,956).

As to claims 1-5, 9-11, 14-18, 22-24, 27-32, and 37-39, Cheng at al. (hereinafter referred as Cheng) discloses a system with methods / means / computer program product to perform the following functions:

- a) storing the spaced apart bursts of data records in a database [e.g. the step 300, Fig. 4A; col. 2, lines 60-62, 65-67].

b) deferring the build of an index for a corresponding one of the spaced apart bursts until the corresponding one of the series of spaced apart records being stored in the database [e.g. the steps 300-302, Fig 4A; col. 2, lines 45-48].

As to claims 6-7, 12-13, 19-20, 25-26, 33-34 and 40-41, Cheng further discloses that the system can be configured to either store / build the index on either a different or single processor [col. 2, lines 51-57].

As to claims 8, 21, 35-36 and 42, Cheng further discloses that the system is configured to provide a Indexed Sequential Access Method (ISAM) database [e.g., col. 2, lines 65 – col. 3, line 16].

#### ***Response to Arguments***

4. Applicant's arguments filed on 12/22/2003 have been fully considered but they are not persuasive.

Regarding applicant's arguments of 35 U.S.C. 102(e) rejection that: 1) "Cheng et al. uses a system of secondary memory to allow high throughput data to be stored"; 2) "Cheng et al. does not appear to describe or suggest burst of data, deferring building and index for a plurality of records in a burst of data, or deferring an index until after storing a plurality of data records in the respective burst in the database, as recited in Claimed 1, 14 and 28." The examiner disagrees.

In reply to these arguments, the examiner points out that Cheng specifically disclosed a computer system to perform high frequency data insertion to resolve disk I/O bottleneck at a lower cost. [e.g., col. 2, lines 40-45] wherein, the high frequency data insertion is a burst of data storing processing. Furthermore, Cheng discloses his system handles I/O bottleneck high frequency data insertion by deferring index changes, and handles such updates to the stored log indexes in batches in a predefined order that matches the order in which indexes are stored on disk [e.g. col. 2, lines 45-50, the steps 300-302, Fig 4A].

Thus, based on the combined discussions above, in contrary to applicant's arguments, the prior art reads the claimed features amended by applicant.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen

March 19, 2003

  
UYEN LE  
PRIMARY EXAMINER